

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
UNITED STATES OF AMERICA,)	
)	
v.)	Criminal Action No. 04-30046-MAP
)	
MICHAEL BERGDOLL,)	
Defendant.)	
_____)	

MICHAEL BERGDOLL'S MOTION TO CONTINUE SENTENCING

The defendant, Michael Bergdoll ("Bergdoll"), moves the Court to continue his sentencing from December 12, 2006, until January 5, 2007. Counsel has recently entered his appearance in this matter. Counsel did not obtain the financial disclosure forms from the Probation Department (through no fault of the Probation Department, the responsibility was solely that of counsel) until after the hearing held by the Court on October 4, 2006. Counsel met with Bergdoll immediately after said hearing for the first time. It is counsel's belief that a continuance of the sentencing is necessary for several reasons. First, additional time is necessary in order to provide the Probation Department with appropriate financial and personal information regarding the defendant. Next, counsel requires additional time to review the factual basis of the charges and to investigate all potential sentencing arguments.

For the foregoing reasons, counsel seeks this continuance. Counsel attempted unsuccessfully to contact the prosecutor in this matter, Paul H. Smyth. Mr. Smyth is on vacation and will not return to the office until Tuesday of next week.

Respectfully submitted,

MICHAEL BERGDOLL
By his attorney,

/s/ Thomas J. Butters
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Dated: October 10, 2006

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on this date.

/s/ Thomas J. Butters
Thomas J. Butters